

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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SAN DIEGO, CA 92108-4421
(619) 767-2370



January 29, 2004

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the action by the City of San Diego, certifying the City's Local Coastal Program Amendment No. 1-02A (La Jolla Land Use Plan Update), is adequate to effectively certify its local coastal program (for Commission review at its meeting of February 18-20, 2004)

BACKGROUND

At its February 5, 2003 meeting, the Coastal Commission certified, with suggested modifications, the City of San Diego Local Coastal Program Amendment #1-02A, regarding the La Jolla Land Use Plan Update. By its action adopting Resolution No. 298578 on November 4, 2003, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications addressed policies and plan recommendations designed to protect public access and recreational resources, scenic vistas and open space within the La Jolla community that are resources of local, regional and statewide importance. The City already has coastal development permit authority over this geographic area and will continue issuing permits consistent with the local coastal program as amended.

In its action on November 4, 2004, the Council resolved that its adoption of the Coastal Commission's suggested modifications are expressly contingent upon ten declarations contained in the resolution attached to this report as Exhibit 1. Seven of the declarations were to clarify the intent of the Commission's suggested modifications, as follows:

1. The reference to Map C-720 does not and is not intended to designate properties as open space beyond those shown on Figure 7 in the 2002 La Jolla Community Plan and Local Coastal Program Land Use Plan.
2. Disturbed or manufactured slopes in areas designated as open space may be considered natural if the disturbance was unauthorized.
3. The term yard, as it relates to view preservation, is intended to pertain only to those yards resulting from the zone required setback and does not include any undeveloped area of a site between a structure and the required setback line where the structure is not built to the setback line.
4. Appendix L provides guidelines for determining the allowable development area and limiting encroachment into sensitive areas for designated open space.
5. The guidelines set forth in Appendix L allow for development in excess of the twenty-five percent development area where development could occur in the non-

sensitive or disturbed portions of the site that are both inside and outside of the open space designation.

6. The 50% limitation (based on the floor area of the structure) on increases to previously conforming structures is applicable only to structures that are previously conforming with regard to bluff edge setback regulations.
7. Increasing the height of a structure, up to the height allowed in the zone, is not prohibited within a visual access/public vantage point area.

The declarations were a result of City staff seeking clarification as to the Commission's intent on several suggested modifications through two letters to Commission staff dated August 6 and October 3, 2003 (attached as Ex. 5 and 7). The declarations approved by the Council are a summary of the Commission staff's response to the City in two letters dated August 26, and October 22, 2003 (attached as Ex. 6 and 8). Therefore, the Executive Director concurs that the declarations do not modify the intent of and are consistent with the Commission action on February 5, 2003.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of San Diego is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

****DATE AFTER HEARING****

Mayor Richard Murphy
City of San Diego
202 'C' Street, M.S. 4A
San Diego, CA

RE: Certification of the City of San Diego Local Coastal Program Amendment
No. 1-02A (La Jolla Land Use Plan Update)

Dear Mayor Murphy:

The California Coastal Commission has reviewed the City's Resolution No. 298578 together with the Commission's action of February 5, 2003 certifying City of San Diego Local Coastal Program Amendment #1-02A pertaining to the La Jolla Land Use Plan Update. In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate, and the Commission has concurred at its meeting of February 19, 2004.

By its action on November 4, 2003, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The modifications addressed policies and plan recommendations designed to protect public access and recreational resources, scenic vistas and open space within the La Jolla community that are resources of local, regional and statewide importance. The City is already issuing coastal development permits in conformance with the certified local coastal program for this area.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the City's local coastal program.

Sincerely,

Peter Douglas
Executive Director